

## R E M A R K S

Claims 1-9 are now in this application, and are presented for the Examiner's consideration.

Prior to entry of this amendment, claims 1-11 were pending in the application. By this amendment, claims 1 and 9 are amended, and claims 10 and 11 are canceled.

In particular, it is to be noted that, in amending claims 1 and 9, no new matter has been introduced, since they contain only limitations that were disclosed in the original specification.

### Prior Art Rejections

Claims 1-9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,207,499 to Vajda et al.

To overcome this rejection, claim 1 has been amended to more clearly distinguish from Vajda et al. Specifically, claim 1 has been amended by reciting that the fluid delivery system for showers includes a diffuser having a first conduit with a terminal section that flows into at least one opening provided on the diffuser, for the delivery of a fluid jet in a preferential direction; and a flush-mount box support on which is mounted a light source. Claim 1 now also recites that the second conduit is provided on the diffuser, and that the diffuser is contained inside the overall dimension of the flush-mount box support.

It is submitted that amended independent claim 1 is now

clearly distinguished from Vajda et al. Specifically, Vajda et al does not disclose that both the first and second conduits are provided on the diffuser (150 in Fig. 1 and 202 in Fig. 4).

Rather, only the first conduit is provided on the diffuser, while the second conduit is provided on the internal light assembly (10).

Moreover, it is pointed out that the device of Vajda et al does not show that **the diffuser is contained entirely inside the overall dimension of the support.**

As shown in Figs. 1 and 4 of Vajda et al, the diffuser (150, 202) is not contained in the support (15), but rather, is associated beneath or adjacent the support.

By contrast, in the present claimed invention, the diffuser is completely or entirely contained inside the overall dimension of the support. It is particularly noted that the diffuser (12) does not present any portion which extends outwardly from the flush-mount box support (16).

In this regard, it is noted that Vajda et al is directed to a pool light or a fountain spray light, while the present claimed invention is directed to a fluid delivery system for showers. As such, there would be no logical reason for Vajda et al to be modified to provide the diffuser entirely contained in an overall dimension of the flush-mount box support.

It is further noted that none of the cited prior art

documents show a fluid delivery system having a flush-mount box or overhead fixture which can be inserted in a wall and adapted to completely contain a diffuser.

Furthermore, none of the cited prior art documents even remotely suggests a combination or modification to provide any other solution to obtain the claimed subject matter.

Accordingly, it is respectfully submitted that the rejection of claims 1-9 under 35 U.S.C. §102(b) has been overcome.

Claims 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,021,960 to Kehat.

However, claims 10 and 11 have been canceled.

Accordingly, it is respectfully submitted that the rejection of claims 10 and 11 under 35 U.S.C. §102(b) has been rendered moot, and thereby overcome.

Further, the prior art made of record but not applied against the claims has been carefully considered, but it is submitted that this prior art is less relevant than the references previously discussed.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt

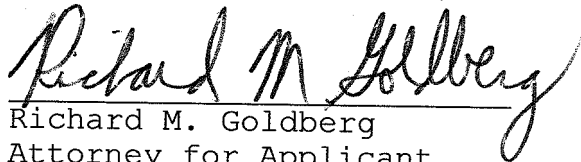
action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-9 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

A handwritten signature in dark ink, reading "Richard M. Goldberg". The signature is fluid and cursive, with the first name "Richard" and last name "Goldberg" clearly legible. The middle initial "M." is written in a smaller, more compact script.

Richard M. Goldberg  
Attorney for Applicant  
Registration No. 28,215

25 East Salem Street  
Suite 419  
Hackensack, New Jersey 07601  
TEL (201) 343-7775  
FAX (201) 488-3884  
e-mail: goldbergpat@earthlink.net